

Cross Examination It was after breakfast on that Friday, some eight or nine O'Clock, that Dula came. The cows used in the field where I was dropping corn that day. The ground not being all plowed, it was before breakfast. On Thursday when he was there for alum. I understand the Bates' place and the shop place to be the same. It is in the direction of sunrise from James Melton's where I was then living. It is an uninhabited place. I think I could have seen Dula that Friday morning while I was milking, if he went towards the Bates' place. I had got about a hundred yards from the house when I met the cows. I planted corn that day, along with James Melton. He went to the field that day before I did.

Lotty Foster testified, "I am the mother of Mrs. Anne Melton. I saw the prisoner at my house on Thursday before Laura Foster disappeared. He came from James Melton's. He asked to borrow a Mattach. He got it and started off in the direction of his mother's house. I didn't see the Mattach again under three or four days. I sent for it twice, and got it the second time. I saw Dula again at my house on that Thursday. Anne Melton was there also. Dula came after dinner. Anne was there before he got there. Both left about three O'Clock P.M. The next day Friday morning Dula came again from the direction of James Melton's. It was after breakfast. The boys had gone to their work. He asked for milk and I gave him a half a gallon. He took it and left towards home. I saw him afterwards that day, late in the evening, going towards the Bates' place. He didn't speak on that occasion. I noticed two places of a little digging on the pathway towards Dula's mother's house. This was two hundred yards from the grave. I raised Anne Melton.

It was here proposed by the state to prove acts of criminal intercourse between the prisoner and Anne Melton. Evidence objected by the prisoner, objection overruled, and evidence admitted as follows: The witness stated, "Two years before the war, I saw Anne Melton, after she was married, in bed with Dula. I recognized him-he jumped out and got